IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.2/2006

Countrywide Projects Pvt. Ltd. and anr. ..... Petitioners.

V/s.

State of Goa and others. ..... Respondents.

Mr. V. B. Nadkarni, Senior Advocate with Mr. Y. V. Nadkarni, Advocate for the petitioners.

Mr. S. S. Kantak, Advocate General with Ms. Rakhi Chodankar, Addl. Govt. Advocate for respondents No.1 and 2.

CORAM : SMT. RANJANA P. DESSAI &
N.A. BRITTO, JJ.

DATE : 12TH JUNE, 2006.

P.C.

Notice dated 24.5.2004 was issued by the Goa Coastal Zone Management Authority to Sandeep Morje & Vishwas Morje asking them to show cause why the directions listed therein should not be issued against him for certain violations. The violations read as under :

(i) to demolish the construction, which has been undertaken in blatant violation of the CRZ Notification and hence of the Environment (Protection) Act, 1986.

(ii) to disconnect the supplies of electricity and water to the 'construction/structure' violating the CRZ Notification.

2. Reply was submitted by the said Sandeep Morje and Vishwas Morje. Petitioner No.2 filed his reply dated 8.7.2004.

3. On 29.12.2005, a notice for personal hearing came to be issued by the Member Secretary, Goa Coastal Zone Management Authority to the petitioners' attorney Shri Kalshavkar, directing him to attend the personal hearing scheduled on 06.01.06. Personal hearing was, in fact, given to the petitioners. However, according to the petitioners even before the petitioners were heard, by letter dated 26.12.2005, the petitioners were informed that as per direction under Section 5 of the Environment (Protection) Act, 1986 their installation is liable for disconnection for non-production of approval/ permission from the Goa Coastal Zone Management Authority within seven days from 26.12.2005. The learned Senior Counsel for the petitioners states that the direction is totally illegal and such a direction could not have been given before the petitioners were heard.

4. The learned Advocate General informed us that on 2.5.2006, a final order of demolition has already been passed. This

order has been communicated to the petitioners by communication dated 25.5.06. In view of this, the learned Senior Counsel for the petitioners states that the petitioners shall withdraw the petition but liberty may be granted to them to challenge the final order of demolition dated 02.05.06 by an appropriate petition.

5. In view of the above, the petition is allowed to be withdrawn with liberty as prayed. We make it clear that all contentions raised in the petition are kept open. Needless to say that the petitioners will be entitled to rely on the affidavit dated 13.1.06 filed by the Member Secretary of the Goa Coastal Zone Management Authority in the present writ petition. The petition stands disposed of as withdrawn.

SMT. RANJANA P. DESSAI, J.

N.A. BRITTO, J.

ssm.